

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

BENJAMIN OROZCO,  
*Plaintiff,*

v.

CRAIG PLACKIS,  
*Defendant*

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Civil Action No. 1:11-cv-703-LY

**STATEMENT OF DEFENDANT’S CLAIMS AND/OR DEFENSES TO BE USED IN  
VOIR DIRE**

COMES NOW, Defendant, CRAIG PLACKIS, in the above-styled and numbered cause and file this, his Statement of Claims and/or Defenses to be Used in Voir Dire for trial of this cause, and respectfully submits the following statement for the voir dire of the jury in this cause:

**I.**

Craig Plackis, Defendant in this cause, founded the Craig O’s Pizza and Pastaria franchise (“Craig O’s”) in 2003, through a company (the “Franchisor”) owned by he and his wife Roxana. Craig O’s is a franchise like McDonald’s, in which local owners can enter into a franchise agreement whereby they own and operate their own restaurant, but with the benefit of the name and product recognition of the Franchisor. Mr. Plackis and his wife own and operate, via separate business entities, two (2) Craig O’s locations in the Austin area. Mr. Plackis has sold Craig O’s franchises to four (4) other Craig O’s locations, including the San Marcos location at issue in this suit, three (3) of which are still operating as separate Craig O’s Franchisees. Those Craig O’s are local restaurants that are separately owned and operated by the Franchisees that purchased a Craig O’s franchise. The San Marcos franchise was owned and operated by a company called Pane e Vino, Inc., which was

owned by Arnold and Sandra Entjer. The Plaintiff has claimed that as an employee of the San Marcos location he was not paid in accordance with the requirements of federal overtime and minimum wage law. After initially suing only Pane e Vino, Inc., Plaintiff brought Mr. Plackis into this suit on the last possible day he could do so, as his efforts at getting money from Pane e Vino, Inc., were not proving fruitful. Plaintiff wants you to find that, to the extent his claims are true, Mr. Plackis, is liable for any damages attributable to any such violations, despite the facts that; Mr. Plackis didn't own the restaurant Plaintiff worked at, didn't hire Plaintiff, couldn't fire Plaintiff, didn't make out Plaintiff's work schedule, didn't sign or in any way issue Plaintiff's paychecks, was not a director, officer or manager of the San Marcos restaurant, and individually, isn't even the Franchisor. Simply put, Mr. Plackis was not an employer of Plaintiff, so he can't be liable for any damages claimed by Plaintiff in this case.

Respectfully submitted,

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By: /s/ Guillermo Ochoa-Cronfel  
Guillermo Ochoa-Cronfel  
State Bar No. 15175600  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify by my foregoing signature that the above and foregoing document has been served upon all parties listed below via the method indicated below and/or the Court's CM/ECF filing system on July 17, 2012.

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VIA FIRST CLASS U.S. MAIL